

Re: Stebbins v. Polano et al.

From: acerthorn (acerthorn@yahoo.com)

To: jmollick@wsgr.com

Date: Tuesday, September 28, 2021 at 11:21 AM CDT

Mr. Mollick,

I've been thinking about the conversation we had yesterday, and a possibility just occurred to me.

You mention that I may have to amend my complaint in order to substitute Youtube, LLC for Alphabet, Inc. You've graciously allowed me to wait until the individual defendants have appeared in the case before I have to do that, and I appreciate that.

However, what if I seek leave to file that amended complaint, and the judge decides "Ok, you can file another amended complaint, but you'll have to serve the individual defendants all over again."

Serving the two international defendants the first time has pretty much sucked my savings dry. I can't afford to do it again.

Now, if Polano and Mateas each make appearances in the case, then this won't be that big of a deal, since they will automatically be served with copies of the amended complaint. However, yesterday, you advised me that it was a realistic possibility that the individual defendants may not even appear at all, and I may get a default judgment against them.

If I get a default judgment against either Mateas and/or Polano, and then I seek leave to amend the complaint then, I may have to serve them all over again ... and I can't afford to do that a second time.

Do you have an idea of what we should do if we ever reach that roadbump?

If I may make a suggestion, is it really so damn important that I list Youtube and not Alphabet as a defendant? Maybe if you were being sued for damages, having Youtube as the defendant would heavily limit which assets I could legally go after in order to collect on the judgment. But since you're only a nominal defendant, don't you think it's in the interests of justice to just let this one slide, just this once?

Of course, if both international defendants actually appear in the case, we're golden. All of this talk is pointless. But at the same time, I would really like to be prepared for the worst.

So what are your thoughts?

Sincerely,
David Stebbins

On Monday, September 27, 2021, 02:03:36 PM CDT, Mollick, Jason <jmollick@wsgr.com> wrote:

David,

Just tried your Google Voice number and left you a VM. Are you still able to talk this afternoon?

Jason

From: acerthorn <acerthorn@yahoo.com>
Sent: Saturday, September 25, 2021 6:40 PM
To: Mollick, Jason <jmollick@wsgr.com>
Subject: Re: Stebbins v. Polano et al.

[External]

Can you call me earlier than 1pm? If not, I can certainly talk at 3pm, but I'd prefer to get this over with quickly.

On Saturday, September 25, 2021, 04:30:58 PM CDT, Mollick, Jason <jmollick@wsgr.com> wrote:

Thank you. Can you resend as attachments rather than a link? Our security software appears to be blocking the link.

Also, I realize now that I have a conflict at 1pm. Are you available at 3 ET instead?

Jason Mollick

Wilson Sonsini Goodrich & Rosati

212.497.7772 | jmollick@wsgr.com

On Sep 25, 2021, at 4:44 PM, acerthorn <acerthorn@yahoo.com> wrote:

[External]

In the meantime, here's a copy of the Second Amended Complaint (which has been

updated since you were served with process to include an extra count of infringement), as well as the two motions that are currently pending in this case. If you want to be briefed on what's happened in the case thus far, these current motions would probably be a good place to start.

On Saturday, September 25, 2021, 02:09:46 PM CDT, Mollick, Jason <jmollick@wsgr.com> wrote:

Will do. Thank you.

Jason Mollick

Wilson Sonsini Goodrich & Rosati

212.497.7772 | jmollick@wsgr.com

On Sep 25, 2021, at 3:08 PM, acerthorn <acerthorn@yahoo.com> wrote:

[External]

1pm Eastern should be noon in my time zone (I live in Arkansas). So yes, I think I will be able to talk then.

Call me at (870) 298-1168. That's my Google Voice phone number and is the one most likely to reach me. The phone number which appears in the signature of my motions is my Textnow phone number, and calls on that number only reach me when they feel like it. I usually say this regarding my two phone numbers: "Textnow is for text messages; Google Voice is for voice chat."

Sincerely,

David Stebbins

On Saturday, September 25, 2021, 02:04:09 PM CDT, Mollick, Jason <jmollick@wsgr.com> wrote:

Thank you, David. I appreciate your message. I'd like to chat so I can get more information from you about what's happened in the case thus far, the alleged infringements at issue, your takedown notices, and the individual defendants. I agree and hope that we don't need to be adversarial. Once I have some additional information then we can talk about the best way to potentially resolve the matter.

Are you able to talk at 1pm Eastern on Monday?

Jason

From: acerthorn <acerthorn@yahoo.com>

Sent: Saturday, September 25, 2021 2:14 PM
To: Mollick, Jason <jmollick@wsgr.com>
Subject: Re: Stebbins v. Polano et al.

[External]

Dear Mr. Mollick,

Yes, I should be available on Monday.

Before we talk, though, I have to ask: Can you at least give me a brief overview of what this discussion will be about? I want you to understand that Alphabet, Inc. is not on the hook for damages in this case. They are a nominal defendant who is only included in this case so they can terminate the accounts of the individual defendants. I am not seeking to create an adversarial relationship with Alphabet over this case.

So what are you hoping to discuss?

Sincerely,

David Stebbins

On Saturday, September 25, 2021, 12:36:15 PM CDT, Mollick, Jason <jmollick@wsgr.com> wrote:

Good Afternoon Mr. Stebbins:

I have been retained by Alphabet in connection with the lawsuit that you filed in the Northern District of California. I would appreciate the opportunity to speak with you about the case. Are you available to talk on Monday? If so, please let me know what times work for you.

Thank you and have a great rest of your weekend.

Jason Mollick

<image001.png>

Jason Mollick | Associate | Wilson Sonsini Goodrich & Rosati

1301 Avenue of the Americas, 40th Floor | New York, NY 10019 | 212.497.7772 | jmollick@wsgr.com

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